

## **REMARKS**

This application has been reviewed in light of the Office Action mailed on February 3, 2011. Claims 1-21 are pending in the application with Claims 1, 8, 10-13, 16, and 21 being in independent form. By the present amendment, Claims 1, 8, 10-13, 16, and 21 have been amended. No new matter or issues are believed to be introduced by the amendments.

Claims 1, 2, 5-16, and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla et al. (U.S. Patent No. 7,414,989) in view of Dudley et al. (U.S. Patent No. 5,754,754) and Kim (U.S. Application No. 2003/0043764). Applicants respectfully traverse the rejection.

Claim 1, as amended herein, recites, *inter alia*, as follows:

**“...wherein the REV confirmation message is transmitted when the receiver decodes an error-free second data packet transmitted consecutively after transmission of the first data packet and transmitted with a Network Data Incoming (NDI) indicator.”** (Emphasis added.)

Kuchibhotla, Dudley, and Kim fail to disclose and/or suggest at least “...wherein the REV confirmation message is transmitted when the receiver decodes an error-free second data packet transmitted consecutively after transmission of the first data packet and transmitted with a Network Data Incoming (NDI) indicator,” as recited in amended independent Claim 1.

At page 5 of the present Office Action, the Examiner stated that Kuchibhotla and Dudley fail to mention “...retransmitted with a delay or disregarded for retransmission.” The Examiner relied on Kim to cure such deficiencies. However, Kim does not teach and/or suggest at least the additional feature of independent Claim 1.

As understood by Applicants, Kim refers to a method for allocating channel numbers to channel signals by a Node B, which repeatedly transmits a stream of n channel signals to a UE (User Equipment), each of the channel signals including a channel number and transmission data, the n channel signals having (n+1) different channel numbers, each channel having a given transmission time interval (TTI). (Abstract)

In contrast, as recited by the claims, at paragraphs [0049] and [0050] of Applicants' published application (2007/0115894), it is stated that:

"Now, instead of transmitting a positive confirmation message ACK with respect to the new data packet D2 to the BA, in accordance with an aspect of the present invention, the MS transmits a REV message to the BA.

In other words, when the MS—possibly after a number of retransmissions—finally successfully decodes the new data packet D2 along with the unexpected indicator NDI=1, indicating that the data packet D2 is a new data packet, after the MS has sent a negative confirmation message NACK with respect to the data packet D1, the MS sends the REV message to the transmitter."  
(Emphasis added.)

In other words, the REV is transmitted when the receiver decodes an error-free second data packet transmitted consecutively after transmission of the first data packet and transmitted with a Network Data Incoming (NDI) indicator. The applied combination of Kuchibhotla, Dudley, and Kim does not teach and/or suggest at least the feature(s) added of the amended independent Claims.

Independent Claims 8, 10-13, 16, and 21 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 8, 10-13, 16, and 21 and allowance thereof are respectfully requested.

Dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 8, 13, 16, and 21 from which they depend. Further, dependent Claims 2, 5-7, 9, 14, 15, 19, and 20 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, and allowance thereof are respectfully requested.

Claims 3 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla in view of Dudley and Kim as applied to Claims 1 and 16 above, and further in view of Ulug (U.S. Patent No. 4,312,065). Applicants respectfully traverse the rejection.

Ulug does not address the deficiencies of Kuchibhotla, Dudley, and Kim in the independent claims. Furthermore, Dependent Claims 3 and 18 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from which Claim 18 depends. Further, dependent Claims 3 and 18 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 3 and 18, and allowance thereof are respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla in view of Dudley and Kim as applied to Claim 1 above, and further in view of Dottling et al. (U.S. Patent No. 7,249,303). Applicants respectfully traverse the rejection.

Dottling does not address the deficiencies of Kuchibhotla, Dudley, and Kim in the independent claims. Furthermore, dependent Claim 4 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1 from which

it depends. Further, dependent Claim 4 recites additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 4, and allowance thereof is respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kuchibhotla in view of Dudley and Kim as applied to Claim 16 above, and further in view of Kohno (U.S. Application No. 2003/0120802). Applicants respectfully traverse the rejection.

Kohno does not address the deficiencies of Kuchibhotla, Dudley, and Kim in the independent claims. Furthermore, dependent Claim 17 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from which it depends. Further, dependent Claim 17 recites additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 17, and allowance thereof is respectfully requested.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants' attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

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Date: May 3, 2011

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